

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**HELENA CHEMICAL  
COMPANY,  
Plaintiff,**

**v.**

**TEXELL FEDERAL CREDIT  
UNION AND STACEY R. GARTH  
Defendants.**

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**CIVIL ACTION NO. W-05-CA-052**

**FINAL JUDGMENT**

On January 29, 2007, this action came on for trial before the Court and a jury, Honorable Walter S. Smith, Jr., Chief U.S. District Judge, Presiding. Plaintiff, Helena Chemical Company ("Helena"), appeared in person by and through its attorney and announced ready for trial. Defendant, Texell Federal Credit Union ("Texell"), appeared in person by and through its attorney and announced ready for trial. The Court determined that it had jurisdiction over the subject matter and the parties to this proceeding. The Court then impaneled and swore the jury, which heard the evidence and arguments of counsel. The Court granted judgment as a matter of law as to Helena's claims against Stacey Garth in the amount of \$230,679.79. The Court also granted judgment as a matter of law on Texell's claims against Stacey Garth for contribution and indemnity. The Court charged the jury on the applicable law and facts, and submitted the case on Special Interrogatories. The jury returned its verdict in open Court, and the verdict was received by the Court.

Defendant Stacey Garth wholly failed to appear for trial. Thereafter, Texell moved for entry of judgment on the verdict. Helena filed a response, and Texell filed a reply. The Court entered an Order granting Texell's Motion to Enter Judgment. In accordance with the Court's Order, the Court renders judgment as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** that Plaintiff Helena Chemical Company recover the sum of \$230,679.79 from Defendant Stacey Garth.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Helena Chemical Company recover the sum of \$1,771.21 from Defendant Texell Federal Credit Union.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Texell Federal Credit Union recover the sum of \$1,771.21 from Stacey Garth.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff Helena Chemical Company recover the sum of \$23,635.77 from Stacey Garth (prejudgment interest on the sum of \$230,679.79 recovered by Helena Chemical Company from Stacey Garth).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that post-judgment interest shall be payable at the rate allowed by law from the date this judgment is entered until the date this judgment is paid.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that costs of Court are assessed against the party by whom they are incurred.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court denies all relief not granted in this judgment.

**SIGNED** on this 5th day of March, 2007.

A handwritten signature in black ink, reading "Walter S. Smith, Jr.", is written over a horizontal line.

WALTER S. SMITH, JR.  
CHIEF UNITED STATES DISTRICT JUDGE